



Trespassing, Posting, and Poaching

Overview of Current Statutes

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Natural Resources, Agriculture, and Environment Interim Committee

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Criminal Trespass (§76-6-206)

A person is guilty of criminal trespass if the person:

- ◇ enters or remains unlawfully on property with the intent to cause annoyance or injury, or with the intent to commit a crime other than theft or a felony;

or

- ◇ enters or remains on property to which notice against entering is given by:
 - ◇ personal communication from the owner or someone with apparent authority to act for the owner;
 - ◇ fencing or other enclosure **obviously designed** to exclude intruders; or
 - ◇ the posting of signs **reasonably likely** to come to the attention of intruders.

Criminal Trespass on Agricultural or Range Land (§76-6-206.3)

A person is guilty of criminal trespass on agricultural or range land if the person enters or remains on agricultural or range land for which notice prohibiting entry is given by:

- ◇ personal communication from the owner, an employee of the owner, or someone with apparent authority to act for the owner;
- ◇ fencing or other form of enclosure a reasonable person would recognize as intended to exclude intruders; or
- ◇ posted signs or markers that would reasonably be expected to be seen by persons in the area of the borders of the land.

Entry on Private Land while Hunting/Fishing (§23-20-14)

- ◇ A person is guilty of entering private land while hunting or fishing if the person, while taking wildlife or engaging in wildlife related activities, enters on privately owned land that is cultivated or properly posted, or where the person has notice to not enter or remain on the privately owned land.
- ◇ “Cultivated” means land that is readily identifiable as:
 - ◇ land whose soil is broken up for the raising of crops;
 - ◇ land used for the raising of crops; or
 - ◇ pasturage which is artificially irrigated.
- ◇ “Properly posted” means that signs prohibiting trespass or bright yellow, bright orange, or fluorescent paint are clearly displayed:
 - ◇ at all corners, fishing streams crossing property lines, roads, gates, and rights-of-way entering the land; or
 - ◇ in a manner that would reasonably be expected to be seen by a person in the area.

Natural Resource-Related Trespass Penalties

Statute	Offense	Criminal Penalty	Statutory Civil Penalty
<u>76-6-206</u>	Criminal trespass	Class B misdemeanor (Class A if dwelling)	
<u>76-6-206.3</u>	Criminal trespass on agricultural land or range land	Class B misdemeanor	The value of damages or \$500 (whichever is greater)
<u>23-20-14</u>	Entry on private land while hunting or fishing	Class B misdemeanor	Revocation of license, tag, registration, or permit
<u>65A-3-1</u>	Trespassing on state lands	Class B misdemeanor (Class C at Bear Lake)	3x value of damage caused or resource used
<u>76-6-206.2</u>	Criminal trespass on state park lands	Class B misdemeanor	3x value of damage caused or resource used
<u>76-6-206.1</u>	Criminal trespass of abandoned or inactive mines	Class B misdemeanor (Class A if tamper with warnings/protection)	

Posting Standards

Statute	Situation	Requirements
<u>76-6-206</u>	Criminal trespass	Posting of signs <u>reasonably likely</u> to come to the attention of intruders.
<u>76-6-206.3</u>	Criminal trespass on agricultural or range land	Posted signs or markers that would <u>reasonably be expected</u> to be seen by persons in the area of the borders of the land.
<u>23-20-14</u>	Entry on private land while hunting or fishing	Signs prohibiting trespass or bright yellow, bright orange, or fluorescent paint are clearly displayed: (i) at all corners, fishing streams crossing property lines, roads, gates, and rights-of-way entering the land; or (ii) in a manner that would <u>reasonably be expected</u> to be seen by a person in the area.

Poaching Penalties

Statute	Offense	Criminal Penalty	Restitution (§23-20-4.5)
<u>23-20-3</u>	Taking protected wildlife	Class B misdemeanor	If a trophy animal is taken, restitution is mandatory, with minimum amounts ranging from \$2,000-\$30,000 per animal. Otherwise, restitution is suggested, with minimum recommended values from \$5-\$1,000 per animal.
<u>23-20-3.5</u>	Taking protected wildlife while trespassing on private land	Class B misdemeanor	
<u>23-20-4</u>	Wanton destruction of protected wildlife	3° Felony (>\$500 or trophy animal); Class A misdemeanor (\$250 - \$500); Class B misdemeanor (<\$250)	

A hearing officer appointed by DWR may suspend a person's license or permit privileges if the person is convicted of or enters certain pleas relating to a violation of any part of Title 23, and the officer determines that the person committed the violation intentionally, knowingly, or recklessly. ([§23-19-9](#))